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CELA

July 29, 2016

Via Federal Express and E-Mail

Jeff S. Jordan, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 7084 – Virginia International Gateway, Inc. and Eric Sisco

Dear Mr. Jordan:

We are responding on behalf of Virginia International Gateway, Inc. ("VIG") and its Chairman, Eric Sisco, in response to a complaint filed by Lisa Clarkson against Scott Taylor individually, Scott Taylor for Congress (the "Campaign"), and others, including but not limited to VIG and Mr. Sisco (the "Complaint"). In particular, the Complaint erroneously alleges that Mr. Sisco's \$250 personal contribution to the Campaign violated the federal contractor ban (the "Contractor Ban") under the Federal Election Campaign Act of 1971, as amended, (the "Act") because of his position with VIG. This claim, however, is unfounded given that VIG is not a federal contractor and has made no direct or indirect contribution. Furthermore, regardless of whether VIG is a federal contractor, the Contractor Ban does not apply to personal contributions made by an individual who is not a federal contractor in his own right or as the sole proprietor of such contractor.

Statement of Facts

VIG is a Virginia corporation¹ that owns a marine container terminal in Portsmouth, Virginia. VIG's only contract with a government entity is a lease agreement with the Virginia Port Authority ("VPA"). Mr. Sisco is not the sole proprietor of VIG (i.e., an owner

¹ See Commonwealth of Virginia, State Corporation Commission, business entity details for Virginia International Gateway, Inc. at <https://sccefile.scc.virginia.gov/Business/0564354>

of an unincorporated business that has no legal identity separate from that of the owner).² Neither VIG, nor Mr. Sisco either individually or as a sole proprietor, has any contracts with the federal government or any of its departments or agencies. Mr. Sisco has a history of personally supporting and contributing to Republican candidates, and has been friends with Scott Taylor for several years.

VIG has not made any corporate contributions at the federal level. Rather, on February 27, 2016, Mr. Sisco used his personal American Express credit card to contribute \$250 to the Campaign. Accordingly, in its quarterly report filed on April 15, 2016, the Campaign properly reported Mr. Sisco as a donor of \$250.³ See attached credit card statement and excerpt from the Campaign's report. Mr. Sisco used his personal funds and not VIG funds to pay for the contribution, and did not seek or receive reimbursement from VIG for the contribution. In fact, Mr. Sisco's contribution had nothing to do with VIG but instead was consistent with his previous support of Republican candidates and his personal friendship with Scott Taylor. Furthermore, VIG did not request that Mr. Sisco make the contribution, and did not offer to reimburse Mr. Sisco for doing so.

The Law

The Contractor Ban prohibits a federal contractor from making, directly or indirectly, contributions to federal candidates and committees. 52 USC § 30119; see also 11 C.F.R. § 115.2. It does not apply to personal contributions made by individuals who are not themselves federal contractors. See 11 C.F.R. § 115.5 (individuals or sole proprietors who are federal contractors are prohibited from making contributions from business, personal or other assets under their control).

There Was No Violation

VIG is not a federal contractor and thus is not subject to the Contractor Ban. Rather, VIG's only contract with a government entity is with the VPA, which is a political subdivision of the Commonwealth of Virginia. Virginia Code § 62.1-128. Federal Election Commission regulations provide that to be a federal contractor for purposes of the Contractor Ban, the person's basic contractual relationship must be with the United States or one of its departments or agencies, and expressly state that contracting with a state or local entity that receives federal funds is not sufficient to trigger federal contractor status. 11 C.F.R. § 115.1(d).

² See, e.g., Advisory Opinion 1975-31 ("It has long been accepted that the business roles and personal roles of any individual who is the sole proprietor of an unincorporated business, are virtually indistinguishable...")

³ On July 15, 2016, the Campaign filed an amended quarterly report for the period. However, Mr. Sisco's contribution was reported the same as in the original report. Neither report shows any contribution by VIG.

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Even if VIG were a federal contractor, which it is not, VIG did not make, directly or indirectly, any federal contribution. Rather, Mr. Sisco made a contribution from his personal funds and for reasons that had nothing to do with VIG. Mr. Sisco has no contracts with the United States or its departments or agencies, either individually or as the sole proprietor of a business. As a result, Mr. Sisco is not a federal contractor who is subject to the ban on contributions from his personal funds under 11 C.F.R. § 115.5.

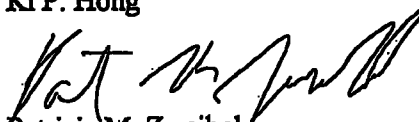
For the reasons set forth above, we respectfully request that the Commission dismiss the Complaint and find no reason to believe that VIG or Mr. Sisco violated the Act.

Please do not hesitate to contact us with any questions or requests for additional information.

Sincerely,



Ki P. Hong



Patricia M. Zweibel
Attorneys for Virginia International Gateway, Inc.
and Eric Sisco

Attachment
cc: Eric Sisco



Transaction Details Prepared for
Eric A Sisco
Account Number
XXXX-XXXXXX-

DATE	DESCRIPTION	CARD MEMBER	AMOUNT
FEB27 2016	EDONATION 1 - (703)684-3435, VA	ERIC A SISCO	\$250.00

Doing business as:

EDONATION 1

228 S WASHINGTON ST

ALEXANDRIA

VA

22314-5408

UNITED STATES OF AMERICA (THE)

Additional Information: 7036843435

Reference: 320160590281145866

Category: Other - Miscellaneous

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER: **PAGE 26 OF 39**
 (check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 11d ☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
SCOTT TAYLOR FOR CONGRESS
Full Name (Last, First, Middle Initial)
Shannon Rusch
A. Mailing Address 8847 Colonial Garden Dr

City Huntersville **State** NC **Zip Code** 28078

FEC ID number of contributing federal political committee. C

Name of Employer
 SilentShadow USA Inc

Occupation
 Consultant

Receipt For: 2016

☒ Primary ☐ General
☐ Other (specify)

Election Cycle-to-Date

500.00

Date of Receipt

03 26 2016

Transaction ID: SA11AI.5074

Amount of Each Receipt this Period

500.00

☐ Memo Item

Full Name (Last, First, Middle Initial)
Raymond Selby
B. Mailing Address 414 Boundary Rd

City Yorkdown **State** VA **Zip Code** 23690

FEC ID number of contributing federal political committee. C

Name of Employer
 Retired

Occupation
 Retired

Receipt For: 2016

☒ Primary ☐ General
☐ Other (specify)

Election Cycle-to-Date

500.00

Date of Receipt

03 26 2016

Transaction ID: SA11AI.5071

Amount of Each Receipt this Period

500.00

☐ Memo Item

Full Name (Last, First, Middle Initial)
Eric Sisco
C. Mailing Address 3344 Litchfield Rd

City Virginia Beach **State** VA **Zip Code** 23462

FEC ID number of contributing federal political committee. C

Name of Employer
 self employed

Occupation
 Advisor

Receipt For: 2016

☒ Primary ☐ General
☐ Other (specify)

Election Cycle-to-Date

250.00

Date of Receipt

02 27 2016

Transaction ID: SA11AI.4639

Amount of Each Receipt this Period

250.00

☐ Memo Item

SUBTOTAL of Receipts This Page (optional):

1250.00

TOTAL This Period (last page this line number only):